

Exhibit 118

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

ROXANE PROGRAM IMPLEMENTATION MEETING

Meeting: November 24, 1997

Attending: D. Roberts, E. Mathews, G. Ciarelli, S. Wray, J. Waterer, R. Feldman,
C. Silvia, L. Paoletti, H. Dick, E. DiPaola

CC: P Alesio, E. Tupa, N. Whitehill

I. **"BIG WAC" Adjustment**

****Finished product by 1/15 for roll-out to field at January sales meeting.**

Implementation at customer level immediately after meeting.

A. Critical Steps

1. Programming Design (S. Wray, E. DiPaola) 12/8
 - a. System to pull contract, source, non-contract, and exception pricing to get to customer net price for wholesalers and warehousing chains
 - b. Design customer letter attachments (individualized)
 - c. System for input and analysis of customer supplied data
 - d. Criteria and system for validation of customer supplied inventory quantities
 - e. Design of credit documentation to return to customers
 - f. System to generate "30 day" reminder list
 - g. Format for field and customer notifications
 - h. Provide priority list to S. Wray, C. DiPaola (J. Waterer) 11/26
2. Programming implementation (E. Mathews) 1/15

*Form team to communicate with and support Canada IT to insure timely completion of necessary programming to allow program implementation/roll-out 11/26
3. Medicaid impact analysis (G. Ciarelli)

*Form team to complete analysis by 12/8
4. WAC new price approval (J. Waterer) 1/16
 - a. Proposed pricing to R. Feldman (J. Waterer) 11/27
 - b. "Reality check" with customers (R. Feldman) 12/8
 - c. Impact against budget analysis (G. Ciarelli/H. Dick/J. Waterer) 1/9
5. Customer letters approved (J. Waterer) 1/16
 - a. Address change in net WAC percentages
 - b. Address change in credits no rebate checks
 - c. Termination of old program and explanation of new one
 - d. Methadone stays at 5%?

B. Process Flow and Responsibilities

1. New WAC pricing entered into system
 - a. Item master file updated with effective date (N. Whitehill)
 - b. Information received at BISC (C. Silvia)
2. Training BISC on WAC adjustment evaluation (E. Mathews)
3. Customer WAC adjustment letters compiled and mailed
 - a. Cover letter(s) drafted (J. Waterer)
 - b. Attachment grids generated (S. Wray/E. DiPaola)

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- c. Special envelopes purchased (J. Waterer)
 - d. Letters and attachments sorted, compiled, mailed to customers and representatives (R. Feldman)
- 4. Customer response tracking
 - a. Logging customer responses and sending (BISC)
 - b. 30 day notice list to R. Feldman/Creating reminder letters (J. Waterer)
 - c. Sending reminder letters/Contacting non-responders (R. Feldman)
- 5. Data entry and evaluation
 - a. Data entry of customer responses (BISC)
 - b. Evaluation of customer eligibility based on programmed criteria
 - c. Credits returned to R. Feldman for approval (BISC)
 - d. Approval of credits returned to BISC (R. Feldman)
- 6. Credits issued
 - a. Data entry of approved credits (BISC)
 - b. Customer notification with documentation of allowed credits (BISC)
 - c. Field notification of customer approved credits with documentation (BISC)
- 7. New Source percentage rebates adjusted (L. Paoletti/S.Wray)

II. **IB-UDV/Ranitidine WAC Change-Process**

- A. Create/design individualized customer shelf stock adjustment spreadsheet format (J. Waterer)
- B. Compile net pricing and new net pricing for all impacted customers (J. Waterer)
- C. Compile and mail individual customer letters (copies to customer, Reps, P. Alesio, J. Waterer)
- D. Spreadsheets and templates e-mailed to P. Alesio and BISC (J. Waterer)
- E. Field training session and POA (Waterer/Feldman)
- F. Communication to field, BISC, customers, internal Roxane, etc. (J. Waterer)
- G. Training of BISC on shelf stock validation 12/10,11,12 (E. Mathews)
- H. New WAC pricing entered into system (Whitehill)
- I. New source percentages entered (Paoletti/Wray)
- J. Receipt, tracking, data entry, and analysis of customer responses (Mathews/BISC)
- K. 30 day non-responder list compiled and sent to J. Waterer on 12/31 (BISC)
- L. Completion of spreadsheets (BISC)
 - 1. Data Entry
 - 2. Reality Checks
- M. Shelf stock adjustments report to R. Feldman for approval (BISC)
- N. Approvals communicated to BISC (Feldman)
- O. Customer and representative notification of credit issuance (BISC)

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III. Respiratory Package

A. Agreements

*BISC has limitations on how they can process the rebates so the two scenarios agreed to are:

1. If Roxane pays for "BI 1%"
 - a. Calculation of total \$ amount represented by BI portion of rebate
 - b. Allocate BI rebate \$ across RLI respiratory line based on product sales \$ % by line item utilizing a spreadsheet
 - c. Roxane products will be handled 1% SKU by SKU for Roxane 1% portion
 - d. BISC can handle calculations, data entry, and credit issuance (with notification to customers and representatives)
2. If BIPI pays for "BI 1%"
 - a. Will charge 1% SKU by SKU to BI impacted products
 - b. RLI will be charged 1% SKU by SKU for RLI impacted products
 - c. BISC can handle calculations, data entry, and credit issuance (with notification to customers and representatives)
3. Implementation requirements
 - *Validation of customer eligibility
 - Develop computerized system of account eligibility (S. Wray, E. DiPaola) 2/15
4. Develop report design to augment eligibility program (S. Wray, E. DiPaola, R. Feldman) 2/15

*Suggested format:

<u>SKU #</u>	<u>Units(Rolling 12 months)</u>	<u>\$(Rolling 12 months)</u>
Roxane Products	Direct plus contract	Direct plus contract
BI Products	Totals	Totals

B. Process

1. Contract signed and circulated for implementation to Powers, Mathews, BISC (Feldman)
2. System loaded to run rebate report and calculate \$ amount as agreed in contract. (BISC/Mathews)
3. Rebate report sent to Feldman/CC Waterer for approval (BISC)
4. Report reviewed (approved, rejected, or modified) and returned to BISC (Feldman)
5. Data entry, credit issuance, customer and field representative notification (BISC)

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IV. **“Multisource Program” Implementation**

- A. Form team with Canada to develop a format capable of implementing the variety of program variables required by the program (E. Mathews)
- B. Target Feb/Mar timeline. “Mission critical” but will follow WAC adjustment implementation and “Respiratory Package” implementation on time line and prioritization list.

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